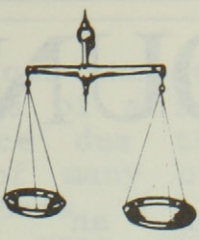


Quid Novi



VOL. VI NO. 4

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILLSeptember 25, 1985
25 septembre, 1985

ON THE FACULTY: A VIEW FOR FIRST YEAR STUDENTS

by Richard Dermer

As the semester enters its third week of classes and much of the craziness and anxiety of the first weeks dies down, I would like to offer my personal view of the Faculty which many of you have entered for the first time. Throughout the next few weeks, I will write about the Faculty with respect to a series of different issues. Although there will certainly be many students and faculty members who disagree with my observations, the primary purpose

of this series is to introduce some of the issues that all of you will face in coming months.

As I look back on my first year in the civil law program, I realize that one thing which greatly disturbed me was that I could not even begin to comprehend what McGill Law School was all about until well into second semester. There was no attempt made in the media to try to explain what students can expect to face in their years at McGill Law School. As there are many complex issues

that exist within the Faculty, I hope it will be beneficial to present these issues so as to allow students to understand what it means to be a student in the Faculty of Law.

Before presenting any of the issues, I feel it is only fair to explain the point of view from which I will be writing. I believe that there are many serious problems within this Faculty. I personally found the situation so disturbing that I felt I could not

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THE LAW: A HUMAN ENDEAVOR

by Marcel Banasinski

On September 12, we were treated to an enlightening and whimsical view of what the law is all about, by Dr. M. Milde. Dr. Milde is the Director of the Legal Bureau of the International Civil Aviation Organization (ICAO) and possesses three degrees at the Ph.D. level in various areas of international law.

We may sometimes wonder why we study the Law? Dr. Milde offered the interesting statistic that after 40 years of practising law we will be 1.5 million dol-

lars richer than if we didn't have a law degree. Strong motivation! He remarked that money wasn't everything and that there were many lawyers who enjoyed practising law and that there were even a few who were both happy and rich. "Good lawyers are always in demand -- if you are determined and work hard enough, you will be successful".

Dr. Milde went on to say that law should be treated as a living social organism. Law is a man-made product which regulates human relationships. There

is not, as some philosophers have suggested, a pre-existing natural law; instead, law is synonymous with human evolution.

Milde feels that morality and the law are co-extensive to a certain degree since both regulate human conduct, but they differ at the level of enforcement. Moral enforcement is contingent upon the criticism of one's peers, while legal enforcement is vested in an authority higher in the social hierarchy. From a pragmatic perspective,

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ANNOUNCEMENTS

Project Leg-O-Jeunes

Dans le cadre de l'Année Internationale de la Jeunesse, des étudiantes de la Faculté, avec la participation des "Affaires Communautaires et le Droit" ont préparé un guide juridique à l'intention des jeunes de 15 à 25 ans: Leg-O-Jeunes.

Le guide sera diffusé par le biais de conférences dans les écoles secondaires de Montréal.

Nous vous invitons à vous joindre à nous afin de former une équipe de conférences dynamique et efficace. Vous pouvez appeler Anne-Marie Gauthier au 661-9435, Annamaria Monillo au 324-0739 ou encore Holly Cullen au 366-7126, ou mieux encore, profiter de la semaine de l'Année Internationale de la Jeunesse à McGill pour venir nous rencontrer dans le couloir du Leacock jusqu'à 17h00 aujourd'hui.

The Centre for Research of Air and Space Law reminds all students that there is still time to register for the forthcoming Symposium on "An arms race in outer space: Could treaties prevent it?" October 30 to November 1, 1985, Moot Court Room, Faculty of Law Chancellor Day Hall. The speakers will be: General Pierre Gallois, special adviser to the French Government, Professor Mircea Matte, France, Mr. Kent Stansberry, Office of the Secretary of Defence, Washington D.C., M. Jean-Louis Roy, le Devoir, Mr. He Qizhi, Dept. of Treaty and Law, Beijing China. Free admission for students. Information: 392-4632.

As an International Youth Year project, Faculty of Law students have prepared, within the framework of Community Affairs and the Law, a booklet which serves as a guide to the law for young people between 15 and 25: Leg-O-Jeunes.

This guide will be distributed through conferences in Montreal-area high schools, and to interested community groups.

We invite all law students to participate in this program of dynamic and effective conferences. For more information, call Anne-Marie Gauthier at 661-9435, Annamaria Mongillo at 324-0739 or Holly Cullen at 366-7126, or better still, drop by our kiosk for International Youth Year Week at McGill. We are located in the main corridor in the Leacock building until 5:00 p.m. today.

International Law Society Presents:

Film: "Overture"
&

Speaker: Prof. Humphrey

Topic: A retrospective of the United Nations on its 40th Anniversary

Thurs. Sept. 26
1 p.m. -- Room 200

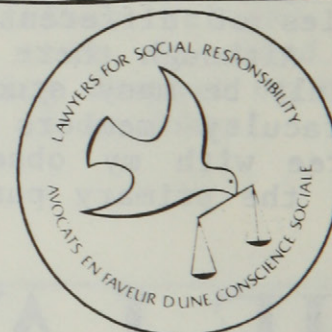
The Quid welcomes your contribution for a student or professor "Quote of the Week". Please slip your suggestions under the Quid door by Wednesday evenings.

Mooting II

All second-year students are reminded that problems for Mooting II will be distributed on Tuesday, October 1, 1985 at 5:00 p.m. in Room 201. Factums will be due back at SAO on Tuesday, October 8, 1985 by 5:00 p.m. Late factums will be penalized.

In order to accommodate mooters, library hours have been extended in the following way:

Monday, Sept. 30 to Thursday, Oct. 3: one hour until 11:45 p.m.
Friday, Oct. 4: one hour until 10:45 p.m.
Saturday, Oct. 5: no change -- 10 a.m. to 6:00 p.m.
Sunday, Oct. 6: three hours, -- from 10:00 a.m. to Noon, and from 6:00 p.m. to 7:00 p.m.



Lawyers for Social Responsibility

Friday, 27 Sept.
12 noon -- Room 202
Movie and discussion, general meeting -- all welcome.

October 1 -- lunchtime
Leacock Building
(see notices for specific location)
Ernie Regehr: Journalist, Academic, Author and Canadian International expert on the economics of the Arms Race speaks at McGill.

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On The Faculty Cont'd from p. 1

return to the Faculty this year; I am currently on a leave of absence for 1985-86. There are, of course, many personal reasons why I chose not to return to the Faculty, but my perception of the Faculty was indeed the primary reason. I can honestly say that I generally found the study of law interesting and that I enjoyed the company of the students. But by the end of my first year, I so seriously disagreed with the policy of the administration and the attitude of certain faculty members that I felt I could not return. In the simplest terms possible, I felt I could no longer deal with the garbage that students must accept if they are to remain in the school.

The purpose of this series is to increase the awareness of the first year students with respect to these issues so that they may become actively involved with the Law Students Association and help deal with the administrative problems that exist within this Faculty. I firmly believe that it is important that first year students understand what the McGill Faculty of Law is about since first year classes in any faculty, with their fresh ideas and enthusiasms, are traditionally the greatest proponents of change.

In conversation with a veteran faculty member last week, the professor noted that the upper year students tend to avoid confronting the problems that exist in the Faculty because by their second and third year they have been numbed by the situation. I agree with the professor's view that although most upper-year students realize that there are problems within the Faculty, they learn to accept

the status quo that exists here because of a feeling of impotence due to the attitudes of many of the faculty members. I believe that first year students will notice, as I did, that many of their upper-year colleagues merely "go through the motions" of being a student in this Faculty.

In essence, it seems that most upper-year students gradually and reluctantly come to accept their situation, channeling most of their energy into the academic pursuit of their law degrees. I hope that this series will provoke thought within the first-year class, before they are numbed by the Faculty and while they still hold a hope for change. Perhaps this series could also serve to provoke some upper-year students into realizing that there still exists the possibility of change. It is not hard to see that I believe that problems within the school can be rectified. However, it must be an active student body that is prepared to deal with the problems. Solutions will rarely come unsolicited from the Faculty Council of this institution.

To begin with this week, I offer a general observation on the first year situation from a technical standpoint. Happily, it seems that the administration has provided the first-year students with a better schedule and better roster of teachers than we experienced last year. In short, it seems that the schedule given to first-year students is relatively fair, with classes blocked together and fewer breaks. One of my disappointments with the administration last year was that I felt that if they were to impose a complete schedule on a student, it may as well be a decent one. Fortunately, it seems that this year the

new students do indeed have a decent schedule. No serious complaints should be raised here.

On the issue of the roster of professors given to the first-year students, it too has taken a step in a positive direction. Most first-year students seem to have a good blend of older and newer professors. Particularly of interest are the two new young professors Jukier and Jutras, who should provide enthusiasm to their subject matter and also show more sympathy for the plight of the first-year student.

Of course, most first-year students have probably already learned that the roster of professors provided to them is also important with regards to the problem of low marking in this Faculty. (I will deal with this matter in detail in another issue.) Again, it seems that the Administration has provided the first year class with a group of professors who should more or less evaluate the students fairly. With the exception of Professors Scott, de Mestral and Jobin, who are capable of failing any student on any given day (In fact, Professor Scott is referred to by some upper-year students as the "Second Admissions Office" -- filtering out those students which the first office missed), most first-year students should not have to worry about supplemental exams. For those students who have the above professors though, you do have a right to worry, as statistics will show in a later issue. There still does seem to be an attempt by the administration this year to provide the first-year class with professors who may be more "in tune" with the plight of a law student and therefore perhaps a little less harsh.

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Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel St., Montreal H3A 1W9. Production is made possible by support of the Dean's office, the Law Students' Association, and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

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Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, de l'Association des étudiants en droit ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propre à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur ou son origine.

The Law: A Human Endeavor Cont'd from p. 1

there is no law if there is no sanction. Milde gave the tongue-in-cheek example of the speed limit on the Decarie expressway: how can it be a law to not exceed 70 kilometers per hour if no one obeys it, nor if anyone is punished for breaking it.

According to Milde, abortion is another sensitive area of the law. It is clearly stated that it is illegal, except in certain circumstances, to perform an abortion. Yet in Quebec this law is not enforced. This type of situation requires a reassessment of the law.

With respect to law and medicine, Milde feels that they are similar; the latter maintains the integrity of the human organism, while the former maintains harmony in the social organism. As in medicine, there must be a balance in the law between preventive and clinical modes of regulating human relationships.

Milde states that communities cannot exist without laws. Even States which are sovereign within their boundaries must submit to international laws (i.e. laws which are part of international custom, or which develop from treaties between States). However, the method of enforcing international laws is less apparent than is domestic enforcement. It may appear invisible, but the enforcement of international laws can be achieved through such methods as commercial

embargos and severing diplomatic ties. Milde goes on to say that South Africa's apartheid policy is deplorable and that it can be obliterated if there is a concerted international effort to stop it. Nevertheless, in international affairs such things are more easily said than done.

In reference to Dr. Milde's personal field of international aviation law, he is in the process of negotiating for stricter security measures in the wake of the Air India crash and the rash of hijackings in Lebanon.

Dr. Milde concluded his talk with some insightful comments about the legal profession and the nature of legal education. He joked that students shouldn't take their professors too seriously -- they only offer the foundation and it is up to the students to erect the coliseum. He suggested that one should spend time in the library, and not just the law library, reading books on various subjects. Students should study philosophy and logic and try to learn several languages. The combination of a Law degree with, for example, a Chemistry degree, could prove invaluable in certain areas of the law. His remark that an educated person is recognized by his vast amount of useless knowledge had the audience laughing.

Dr. Milde's talk was thoroughly enjoyable and gave the audience a unique insight into the field of law.

On The Faculty Cont'd from p. 3

Thus, from a technical starting point, first-year students should consider

themselves lucky in that they may not have to deal with some of the problems the upper-year students did in their first year. But this is only a start, and there is a long way to go.

SPORTS

Foul Ball

by Nelson Eshleman

Once again the energy and conviction of youth has beat back the Hydra of pseudo-faculty softball wizardry. Sunshine and clean crisp air were a small consolation to a feisty professorial core (Ron "Scoop" Sklar, B.S., LL.B., LL.B. (Northwestern), LL.M. (Yale), Dan "Babe" Jutras, D.E.C., LL.B. LL.M. (Harv.), Mike "Batboy" Bridge, LL.B., LL.M. (Lond.) and Denny "Dugout" Klinck, B.A., LL.B., M.A., Ph.D.). Impressive statistics, however, were of no avail as the first and second year students gangplanked the faculty 10-8. Nor were the seven wonders of the world

(a secretive association of upper year students acting as ringers) of sufficient talent to salvage the luckless squad from what is becoming an annual ritual. Noticeably absent from the faculty roster this year were veteran shortstop "Pinball" Stevens and perennial crowd-pleaser "Bullock" Durnford.

From the outset, there was never much doubt as to the final result of the mismatch. The clouds parted for "Swinging" Sarah Dougherty (of Marlet's hockey fame) and Lyse "Out of this Park" Charette, who combined their efforts to catapult the student club beyond the well-intentioned mismanagement of player-

coach William "Have you ever been to the C-team?" Rosenberg. Jumping to an early lead, the students had little with which to concern themselves. For entertainment's sake, they feigned a late-inning slump to tantalize the weakening pedagogues, only to "get it all together" in the end and come up with the "save". The good-natured students were amused as the professors resorted to a poorly-concealed and unearned one-run adjustment to the scoresheet -- a last ditch effort to save face. It wasn't enough, and the rest is history. Chris "Straight A's" Allard collected autographs from the losing side. Lenny and Joe collected the equipment after the game (balls, bats and bases).

Rontiris, Setlakwe, and La Grande Mère Blue

by Mark Ciarallo

The problem usually surfaces in many forms of behavioural attitudes. First signs are an increased awareness of outdoor creatures, and then a longing for Greta Garbo feature films (those in which she tries to speak). This is quickly followed by a sense that every person living in the city of Montreal is an avid kiwi fan. You're

probably right, the Blue Jays are on top, a fine place to be any time of the year, but this really has something to do with Rontiris, right? Well, I'm trying to survive on 14 grapes and six pages of coffee, but I'll try to get to the point of this sports article. As you all know, there has been an increased use of drugs and alcohol in professional sports. You hear of it every day, namely athletes taking up the Steve Howe diet to good health. Even three golfers of the Faculty of Law witnessed for themselves many

of these behavioural problems on the Quebec Professional Golf Tour. An example of this was apparent in the clubhouse after many hundreds of fans crushed some of Quebec's best golfers at LMB at the recent McGill Golf Tourney. In a way it was strange seeing these once sedate golf professionals pulling over potted plants, breaking beer bottles, and generally creating a great disturbance. Overall the tourney was a smash, but what this reporter enjoyed most were all the colors, namely the reds, yellows, and greens.

LAW SCHOOL'S VERY OWN: PRIME TIME SOAP

by Debbie Raicek and
Lisa Steinberg

The onset of autumn brings familiar scenes to mind: back to school, the fall foliage, the start of the hunting season (animal or otherwise), and of course the return of the prime time soap. Throughout the year it is not unusual, while wandering through the halls of the Faculty, to overhear debates of whether Jeff and Fallon will get back together interspersed with conversations on the virtues of a prima facie tort theory. So, while all of you out there are anxiously awaiting the answers to the questions -- Is Bobby Ewing really dead? Who survived the Moldavia wedding massacre, and, of course, will Val Ewing get her babies back? -- we bring you our very own Law School Soap: "Chancellor: Day and Night"

When we last left off, tensions were high on "Chancellor: Day and Night". The usual dramas of lust, power, and violence were overshadowed by trouble within the Cartel, that international power-wielding group of exclusive men and women (better known to some as Faculty Council). The dispute over semi-obligatory course leases in the Gulf Sea was soon forgotten when a band of paramilitary revolutionary students burst into the marks meeting and a shoot-out ensued.

Before we get into the first episode of this season we thought we'd get you up to date on some of the cast changes that have resulted from the heavy negotiating between the network and "the stars". The Glooms have left "Chancellor: Day and Night" for their own spin-off series on a European Sta-

tion. Professor Winter-ville may make one or two guest appearances until November when she will be leaving for Down Under. The "Failing Star" of "Chancellor: Day and Night", whose name we are not at liberty to reveal, is holding out for another year. "It may well be" that he wants more profile shots, a new civil code, and a true "meeting of the minds" (exactly whose mind will be disclosed at a later date) before he will sign his contract. But don't despair; new and exciting characters have been brought in to take the places of those departing.

Meanwhile, stay tuned for next week when you will meet up with some of your old favourite characters: Dean Big Mac, "Miss Ellie" Letter and Professor Bridge Over Troubled Waters. Get ready for a year of fun-filled action, suspense, and terror on "Chancellor: Day and Night".

Announcements Cont'd from p. 2

Erratum

In last week's article "Dissident Israeli Lawyer Pleads for Justice", page three, column one "...the Jewish Defence League (i.e. parliamentary right wing group)" should read "the Jewish Defence League (paramilitary right wing group)".

Ombudsperson

The ombudsperson's office. What is it? It's the first step for students who are having administrative problems and don't know what to do about them. The ombudsperson will (hopefully!) direct you to the appropriate persons and/or offices in the faculty or at McGill and will also act on your behalf. The office is located in the LSA room and the hours are as follows:

Monday: 1:00 -- 1:30 p.m.
Tuesday: 1:00 -- 1:30 p.m.

Thursday: 10:00 -- 11:00 a.m.

Friday: 1:00 -- 2:00 p.m.

If you can't meet during these hours please leave a note at S.A.O. with your name and number and I will contact you. The note can be left in the student mailbox under the letter "O".

Alida Gualtieri

Quote of the Week

"The sooner you get behind the more time you have to catch up".

Prof. Morissette